

REMARKS

Applicants hereby acknowledge the Final Office Action mailed on February 9, 2006. Applicants thank the Examiner for consideration of the application, and request re-examination of the present application in view of the following remarks.

First, Applicants believe that the finality of the present rejection must be reversed for a number of reasons. The examiner in making this final rejection has a) applied a reference throughout the rejection that is not prior art to the Applicants invention; b) has objected to claims as not supported by the application, where it clearly is; and c) in making the rejection, has misquoted Applicants Remarks from the last response. For these reasons which will be more clearly elucidated, Applicants respectfully request the reversal of the finality of the present rejection. Applicants have also replied within 2 months time from the final rejection dated January 9, 2006 in hopes that this reversal will take place, and if not, to have an advisory action in order that Applicants can take benefit from the Pre-Appeal Brief Conference.

Examiner's Objections to Drawings

The Examiner objected to the drawings under 37 CFR 1.83(a). The Examiner indicated that the drawings must show every feature of the invention specified in the claims. The Examiner indicated that "the resilient arms being connected at the bottom side thereof to the outer wall" in Claim 4 was not shown.

Applicants respectfully disagree with this position as this feature is clearly shown in the embodiment of Figures 12-15, and specifically described on Page 11, lines 371-375, where it indicates that "in this embodiment, the resilient wall 6 consists of two resilient arms 28 which at the lower end thereof are fixedly connected to outer wall 7....".

The Examiner also objected that the "chain links having different accommodation cavities for different components or component stages" in Claim 17 must be shown in the figures or cancelled from the claims. Again, applicants disagree with the Examiner's position as one accommodation cavity is shown in the embodiments of Figure 1-4, another accommodation cavity is shown in Figures 5-11, and yet another accommodation cavity is

shown in Figures 12-15. Thus, multiple different accommodation cavities for different components or component shapes are shown in the drawings.

Examiner also objected to Claims 10, 14, 15, and 20, and applicants have amended those claims and have believed to overcome those objections.

Claim 12 is also rejected under 35 U.S.C. § 112, second paragraph, as Examiner indicated that "the pins" has insufficient antecedent basis. Applicants have also amended Claim 12 and believe to have overcome this rejection.

Incorrect Application of Reference as Prior Art

Claims 1-8, 11, 15, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuzoe (European Patent 0660655) in view of Forster. This rejection cannot stand, as Forster is not prior art to Applicant's invention, and as the rejection of every claim depends upon that reference. This is explained more fully below.

The Examiner asserts:

Matsuzoe discloses a transport system for small components, arranged in series comprising a chain having a plurality of chain links (2) in which the small components are accommodated in a accommodation cavity (1) within each chain link (2), the accommodation cavity (1) having at least 2 walls where one wall is rigid (See Figure 1 or 2, either 13 or any of the L-shaped members within the inner walls where the small component is seated), a central web (center of 13) extending in the direction of insertion of the small components, having arms (both ends of 13) laterally extending therefrom and extending over the full height of the accommodation cavity (1) thereby corresponding to the height of the small components and the outer ends of the arms each have a bead directed towards the inside (see Figure 2). Matsuzoe also discloses the arms having their upper ends being freestanding, the outer rigid wall having a slope (see Figure 1), the accommodation cavity (1) having a through opening (17), the chain links (2) are made by plastics injection molding (please read column 1 lines 41-46 and 53-55) and wherein the chain links (2) have different accommodation cavities for different components or component stages (column 4 lines 65-67). Matsuzoe also discloses chain links (2) being pivotable about pins (6a) transversely or perpendicularly (please refer to Figure 8) to the direction of insertion of the small components in the accommodation cavity (1) and wherein the chain links (2) on one side have two lateral arms (5) with bores

(5a) and on an opposite thereof, have two lateral arms (6) with axle-type projections (6a) whereby the axle-type projections latchingly engage the bores upon assembly of the chain links.

The Examiner admits Matsuzoe fails to disclose orientating the resilient wall opposite the rigid wall. However, the Examiner believes it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the wall arrangement of Matsuzoe's invention with that of Forster's (U.S. Patent 6,273,253) resilient wall, thereby arranging the resilient wall opposite to the Matsuzoe's rigid wall to provide for a range of different size components as well as to provide for a more secure holding arrangement of the small components while they are being conveyed. Applicants respectfully disagree.

As mentioned above, this rejection cannot stand as Forster is not prior art to Applicant's invention, and as the rejection of every claim depends upon that reference, this rejection cannot stand. Applicant's invention was filed in Germany on December 4, 1998; was properly filed in the PCT office on December 1, 1999; and in the U.S. Patent Office (properly claiming priority from the above-mentioned two applications) on September 5, 2001. The Forster reference was not filed until July 7, 2000, well after Applicants priority claims. Thus, given 35 U.S.C. § 119, the Examiner cannot rely on Forster as a part of this rejection. Thus, the finality of this rejection must be removed.

Moreover, Applicants invention is quite different from that of Matsuzoe. Firstly, Matsuzoe's invention is to provide for an interconnection to such a device as an integrated circuit body B as shown in Figure 6 having a plastic central body portion with electrical leads extending outwardly from both sides. This body portion is shown in cross section in Figure 5 where the body portion B rests on two L-shaped shoulders (which are also shown in top view in Figure 2). However the body portion B never contacts the side rocking plates 13. Rather, as shown in cross section Figure 5 the leads extend over the L-shaped shoulders and below pawl 16 to hold the circuit chips in place. Furthermore Matsuzoe's chip body B can only be removed if a dog 19 (as best shown in Figure 4) is moved to the position to move the locking pawl 16 from a position above the lead (Figure 5), whereby robot arms can grip the chip body as explained in column 4 lines 35-38. Thus, Matsuzoe (in the embodiment of Figures 1-8) shows a system for holding a defined sized integrated

circuit chip and having moveable walls 13 that rotate about hinged parts 12 by way of dogs 19 contacting contacts 15. The pawls 16 hold the chip in place by contacting tops of the integrated circuit leads as shown in Figure 5 and therefore nothing holds the body portion of the integrated circuit chip.

In applicant's invention, a chip is inserted into the opening 3 such that it contacts a rigid wall on one side and resilient wall 6 on the opposite side. There is no contemplation of contact with a rigid wall in Matsuzoe. In fact it is absolutely contrary and inconsistent with the teachings of Matsuzoe to provide such a rigid wall. The purpose of the resilient wall in applicant's invention as explained therein is to urge the chip against the rigid wall. More particularly on page 6, line 209 applicants indicate that "by means of the beads 11 on the resilient arms 9, the small component 4 thus is urged against the opposite rigid wall 5 and fixed. The resilient arms 9 as well as the beads 11 extend over the full height of the accommodation cavity so that the small component to be accommodated can be fixed at all levels."

Thus Matsuzoe does not show a device where the chip is urged against any rigid wall. The Examiner has indicated that it would be obvious to one of ordinary skill in the art to take one of the resilient members 28 of Forster and add that to Matsuzoe so as to form a rigid wall and a resilient wall combination. Applicants believe that this is absolutely contrary and inconsistent with the teaching of Matsuzoe. In fact in order to achieve this device as explained by the Examiner, Matsuzoe would have to remove both its hinged walls 13 together with the pawls, and add one of the resilient walls 28 from Forster to the carrier of Matsuzoe. This is a total hindsight reconstruction of Matsuzoe and is absolutely contrary to its teachings. Matsuzoe does not teach frictional engagement of the chip housing body with the carrier but rather, gripping the leads.

Matsuzoe also has second and third embodiments, Figures 9-11 and Figures 12-17 respectively, showing a different type of pawl 16. However in each case it is clear that the intention of the pawl 16 is to overlie the device with retentive force, and that the pawl must be moved, to move the device out of the carrier. With respect to the embodiment of Figure 9, the specification indicates that dogs 19 must move the contacts 15 in order to pivot pawls out of the way to remove device B'. And in the embodiment of Figure 12,

Matsuzoe indicates that "with the locking pawls 7c clicking over the chips corner edges, the elastic feet 7a return to their upright position so that the pawls hold the IC chip B in place." (Column 6 lines 45-48).

Moreover, the overall intent of Matsuzoe is to provide a retentive engaging force with the chip, not merely frictional engagement. As indicated in Matsuzoe's specification column 7 line 49, in a summary of all the embodiments, Matsuzoe indicates that "retention of said articles is effected in the present invention not by a simple friction of elastic members urged towards the articles, but by a mechanical engagement of the lock pawls therewith." Furthermore, applicants believe that the rejection by Matsuzoe is inconsistent with the teaching of the present invention and that any modification to Matsuzoe by the Examiner in an obviousness rejection, or in a combination with the use of Matsuzoe in another reference such as Forster, is a hindsight reconstruction of Matsuzoe which is inconsistent with Matsuzoe's teachings. For all the above reasons, applicants believe that present claims 1-18 and 20 are in condition for allowance and respectfully request early passage thereof.

With respect to the L-shaped member which is shown in Figure 1 to the right of the reference numeral 13, this also could not be interpreted as a rigid wall as explained in applicants application. As shown in Figure 5 this L-shaped member is merely a nesting component to locate the chip body such that the leads overlie the L-shaped members to position the leads in place for the pawls 16 to overlie the leads. Moreover if one were to use this L-shaped member as a rigid frictional wall, the resilient wall would have to be located opposite to this L-shaped member, and this could not be done with the integrated circuit chip having leads extending out of both sides as shown in the chip in Figure B. No resilient wall could push against the opposite side with the leads in place and retentively hold the chip in place.

In summary, nothing in Matsuzoe would suggest adding the resilient wall to urge a chip against a rigid wall, and as pointed out in numerous places the Matsuzoe specification is inconsistent with that modification or combination and is a hindsight, contradictory reconstruction of Matsuzoe.

Claims 1 and 18 of the present application now require that the resilient wall urge the small component toward the rigid wall. Matsuzoe does not teach this limitation in any manner. Accordingly, Matsuzoe does not render either claim 1 or claim 18 obvious under 35 U.S.C. § 103(a), and thus, Applicants assert claims 1 and 18 are allowable over the prior art. Moreover, as the remaining claims ultimately depend from claims 1 and 18, Applicants believe all pending claims are in condition for allowance. Thus, Applicants respectfully request passage thereof.

The Examiner has Mis-Applied Applicants' Prior Responses

In the Examiner's rebuttal to Applicants arguments, the examiner has twice misquoted Applicants comments. Firstly on page 12 of the Examiner's final rejection the Examiner indicated that "However, as admitted by the Applicant's Remarks on Page 7 lines 11-12 'Matsuzoe doesn't not show a device where the chip is urged against any rigid wall.'" This is not Applicant's comment, rather, Applicants indicated that "thus Matsuzoe does not show a device where the chip is urged against any rigid wall.", Applicant's comment meaning that since the wall moves it is not rigid. In the next line, on page 12, line 16, the Examiner again takes Applicant's comments out of context. The Examiner indicates that "and on page 8 lines 18-19 'Firstly with respect to numeral 13, this could not be a rigid wall as this wall moves.', thereby creating 'positive locking' arrangement, as quoted by the Applicant above from the previous set of Arguments." The Examiner continues by indicating that the positive locking arrangement is analogous to rigid and seems to indicate that this was admitted by Applicants in the comments above. Applicants made no such statement, and the comment about positive locking is taken out of context as it relates to the rigid wall. Applicant's comments with respect to "positive locking" in the prior response was on page 6 of 7, and was referring to the locking pawl 16 protruding inwardly into the cavity, see page 6 of 7 lines 8-10.

New Claim 21

Applicants have added a new claim 21, which should be examined and commented on in the new Non-Final rejection.

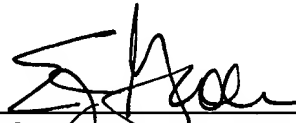
Appl. No. 09/857,353
Amendment Dated March 9, 2006
Reply to Final Office Action of January 9, 2006

Conclusion

For all the above reasons, Applicants respectfully request that the Examiner remove the finality of the above rejection, and proceed to allowance with the above mentioned claims. Applicants respectfully request that this be done expeditiously in order that Applicants may take advantage of the Pre-Appeal Brief Conference if necessary. If the Examiner would like to discuss this with Applicants representative, the contact information is located below.

If necessary to effect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (72262.90014). However, please do not include the payment of issue fees.

Respectfully submitted,

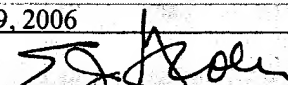


Eric J. Groen, Reg. No. 32,230
BAKER & DANIELS LLP
300 North Meridian Street, Suite 2700
Indianapolis, Indiana 46204
Telephone: (317) 237-1115
Fax: (317) 237-1000

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March 9, 2006

Date



Eric J. Groen, Reg. No. 32,230